



February 15, 2018

DNR Project No. DC-0192

Mr. Steve Steinhoff, Deputy Director
Capital Area Regional Planning Commission
City County Building, Room 362
210 Martin Luther King Jr. Blvd.
Madison, WI 53703

Subject: Amendment Request City of Madison – CUSA Elderberry Neighborhood, CARPC DC-2017-19, Amendment Request# 1707- CUSA - Madison

Dear Mr. Steinhoff:

We have completed our review of the subject sewer service area amendment request submitted to the Department by on February 8, 2018 with the [CARPC Transmittal letter](#) and Commission Recommendations. The transmittal letter summarizes the January 11th public hearing. This amendment involves an addition of 312.8 acres of land, of which 35.4 acres are delineated environmental sensitive areas (environmental corridors). The Department hereby approves this amendment noting the recommendations by CARPC and the steps required for state level permits and additional approvals. CARPC technical experts have carefully provided detailed recommendations articulated in the [staff analysis](#).

The proposed amendment area is located within ***the northern portion of the Lower Badger Mill Creek subwatershed*** (Map 5), a tributary of Badger Mill Creek and the Upper Sugar River. Wastewater from the City of Madison is treated at the Madison Metropolitan Sewerage District Wastewater Treatment Facility. The treated effluent is discharged to Badfish Creek and Badger Mill Creek, bypassing the Yahara Chain of Lakes. Within the amendment area, there are 14.6 acres of somewhat poorly drained soils (Elburn silt loam and Radford silt loam, but no delineated Environmentally Sensitive Areas such as wetlands water-bodies, or floodplains are present. Open space and trail corridors as planned are important for long-term community design and DNR recommends following through with the considerations and recommendations stated in the CARPC Resolution. The amendment is depicted in attached maps.

The amendment was received by the DNR on February 8, 2017. The Commission conveyed conditions and protections for water quality from the staff report . The DNR underscores the importance of these measures to protect water quality in this sensitive area of the state.

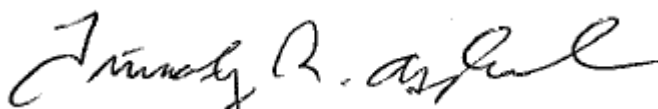
This amendment is a formal update to the state's Areawide Water Quality Management Plan and the Dane County WQM Plan and will be forwarded to the US Environmental Protection Agency to meet the requirements of the Clean Water Act of 1987 (Public Law 92-500 as amended by Public Law 95-217) and outlined in the federal regulations 40 CFR, Part 35. This review is an integrated analysis action under s. NR 150.20 (2) (a) 3, Wis. Adm. Code. By means of this review, the Department has complied with ch. NR 150, Wis. Adm. Code, and with s. 1.11, Stats. The approval of this sewer service area amendment does not constitute approval of any other local, state, or federal permit that may be required for sewer construction or associated land development activities.

Appeal Rights:

Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., a party has 30 days after the decision is mailed, or otherwise served by the Department, to file a petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Wis. Stats., a party has 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing does not extend the 30 day period for filing a petition for judicial review.

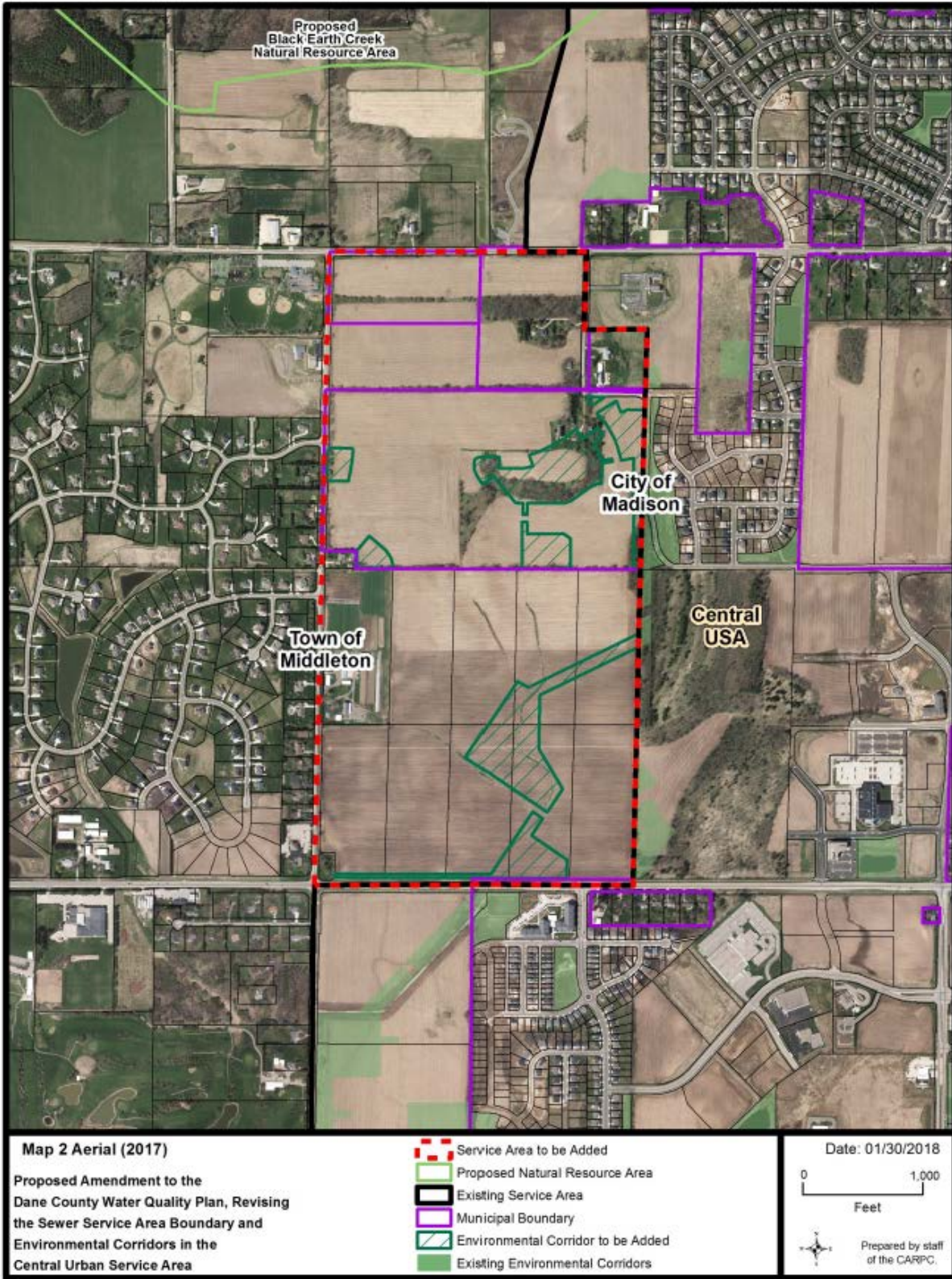
Sincerely,

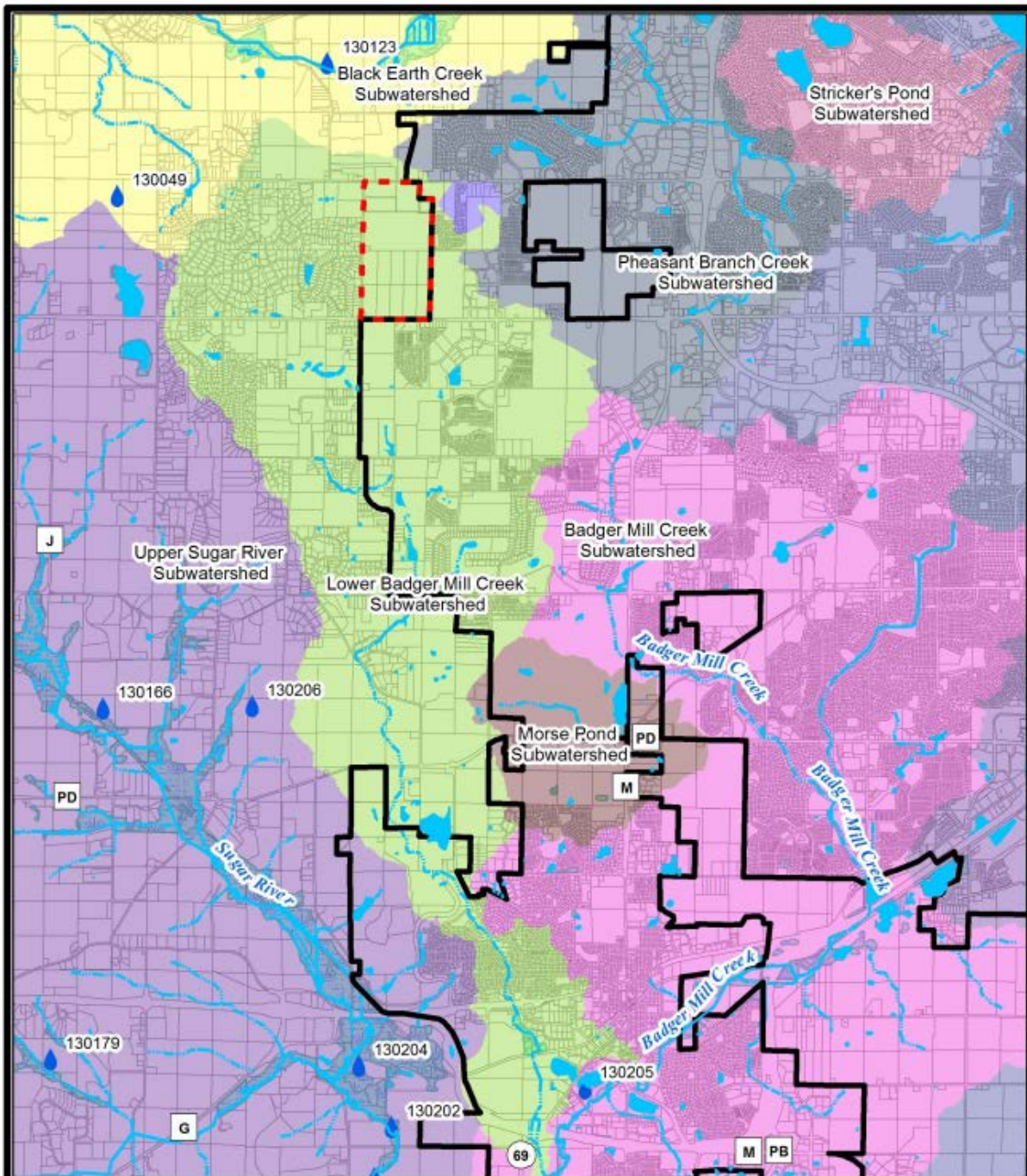
A handwritten signature in black ink, appearing to read "Timothy R. Asplund". The signature is fluid and cursive, written in a professional style.

Timothy R. Asplund
Monitoring Section Chief
Bureau of Water Quality

cc:







City of Madison
Mike Sorge – DNR – SD
Greg Searle – DNR WQ/3
Andrew Simek – DNR - LS/8
Lisa Helmuth – DNR – WQ/3





Map 5 Subwatersheds

Proposed Amendment to the Dane County Water Quality Plan, Revising the Sewer Service Area Boundary and Environmental Corridors in the Central Urban Service Area

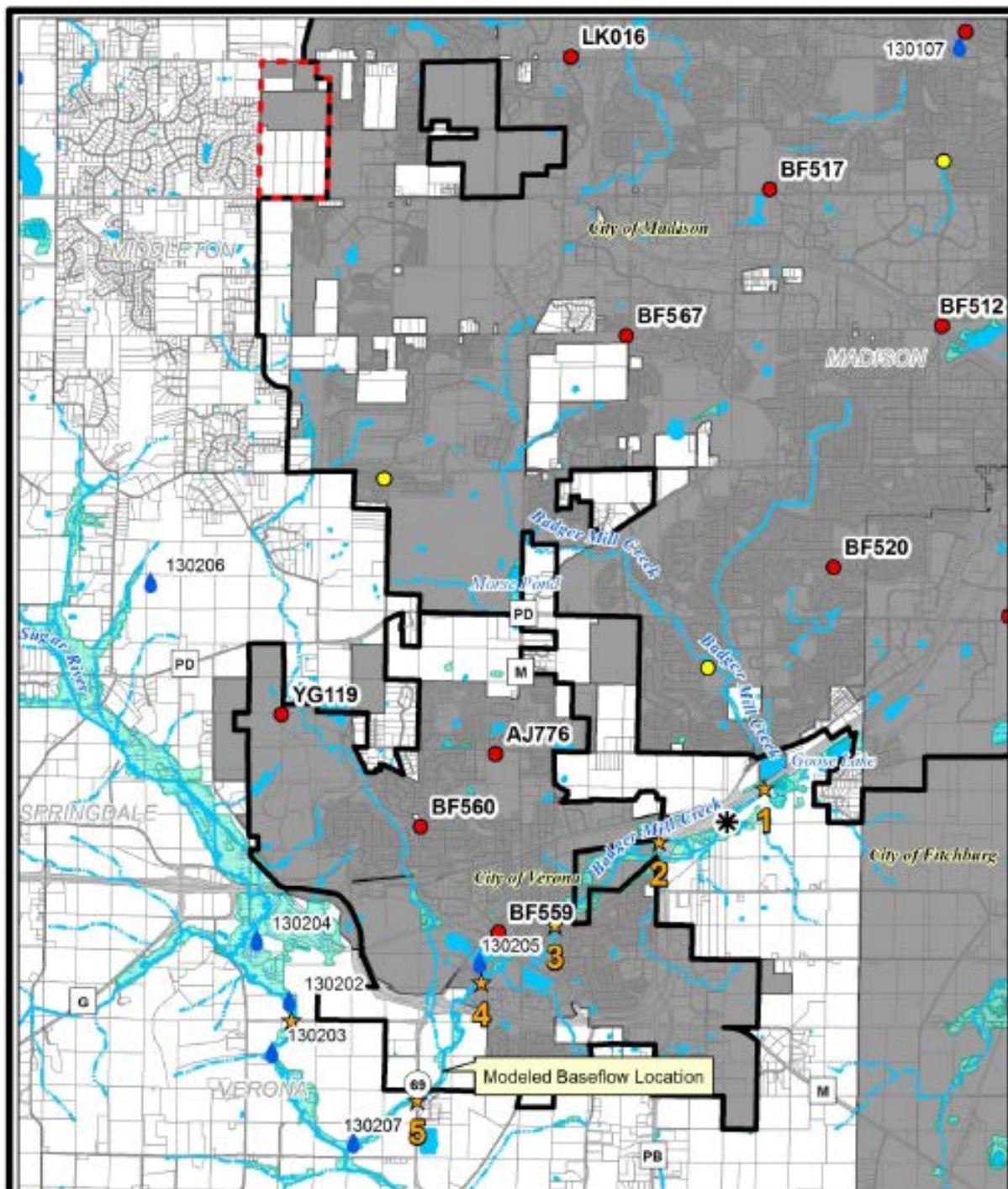
 Service Area to be Added (312.8 acres)	 Wetland
 Existing Urban Service Area	 Springs
 Perennial Stream	
 Intermittent Stream	

Date: 1/31/2018

0 5,000
Feet

Prepared by staff of the CARPC.

Map 11 – Municipal Wells, Modeled Baseflow, and Water Quality Monitoring Locations



<p>Map 11 Municipal Wells, Modeled Baseflow and Water Quality Monitoring Locations</p> <p>Proposed Amendment to the Dane County Water Quality Plan, Revising the Sewer Service Area Boundary and Environmental Corridors in the Central Urban Service Area</p>		<p>★ Water Quality Monitoring</p> <p>✱ Discharge Location</p> <p>▭ Service Area to be Added</p>	<p>● Municipal Well Location</p> <p>● Municipal Well Location (Planned)</p> <p>● Springs</p>	<p>Date: 01/30/2018</p> <p>0 5,000 Feet</p> <p>Prepared by staff of the CARPC.</p>
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210 Martin Luther King Jr. Blvd. Room 362 Madison, WI 53703 Phone: 608-266-4137 Fax: 608-266-9117 www.CapitalAreaRPC.org info@CapitalAreaRPC.org

February 8, 2018

Mr. Timothy R. Asplund
Monitoring Section Chief
WDNR – Bureau of Water Quality
101 S. Webster Street
Madison, WI 53707-7921

Re: Water Quality Management Letter for Sewer Service Area Amendment Request #1707 –
CUSA - Madison

Dear Mr. Asplund,

On December 6, 2017, the City of Madison submitted a sewer service area amendment application to the Capital Area Regional Planning Commission requesting an expansion of the Central Urban Service Area. The proposed amendment includes the addition of approximately 312.8 acres of land. The proposed amendment area does not include any environmentally sensitive areas that would require inclusion in environmental corridors in accordance with the adopted environmental corridor policies and criteria of the *Dane County Water Quality Management Plan*. Non-riparian, steep, wooded slopes; the proposed stormwater management facilities; and planned park and open space have been included in environmental corridors. The environmental corridors total approximately 35.4 acres, for a net developable area of about 277.4 acres. A public hearing was held on the proposed amendment at the January 11, 2018 meeting of the Capital Area Regional Planning Commission. The City's application and the Commission staff's analysis report of the proposed amendment have been submitted to the Department's Surface Water Integrated Monitoring System.

It is the Capital Area Regional Planning Commission staff's opinion that the proposed amendment is consistent with water quality standards under Wis. Stat. § 281.15, with the conditions of approval identified below. Additional actions have also been recommended below to further improve water quality and environmental resource management.

At our February 8, 2018 meeting, the Capital Area Regional Planning Commission voted to recommend approval of this amendment to the Wisconsin Department of Natural Resources, based on the land uses and services proposed, and conditioned on the continued commitment of the City of Madison to pursue the following:

1. Submit a detailed stormwater management plan for Regional Planning Commission staff review and approval (in conjunction with DCL&WCD staff) prior to any land disturbing activities in the amendment area. The stormwater management plan shall include the following:

- a. Install stormwater and erosion control practices prior to other land disturbing activities. Protect infiltration practices from compaction and sedimentation during land disturbing activities.
 - b. Control peak rates of runoff for the 1-, 2-, 10-, and 100-year 24-hour design storms to pre-development levels, in accordance with the City of Madison Stormwater Ordinance.
 - c. Provide at least 80% sediment control for the amendment area based on the average annual rainfall, with a minimum of 60% of that control occurring prior to infiltration, in accordance with the City of Madison Stormwater Ordinance.
 - d. Maintain the post development stay-on volume to at least 90% of the pre-development stay-on volume for the average annual rainfall period, in accordance with the City of Madison Stormwater Ordinance.
 - e. Maintain pre-development groundwater recharge rates from the Wisconsin Geological and Natural History Survey's 2012 report, *Groundwater Recharge in Dane County, Wisconsin, Estimated by a GIS-Based Water-Balance Model* (a range of 9 to 10 inches/year for the amendment area) or by a site specific analysis, in accordance with the Dane County Stormwater Ordinance.
 - f. Include provisions and practices to reduce the temperature of runoff, in accordance with the City of Madison Stormwater Ordinance.
 - g. When development proceeds in an order such that the City does not have the right, such as an easement or ownership, to increase flows to a downstream channel, infiltration shall be required such that the runoff-volume pre-development to post-development is matched during a 10-year design event, to the extent allowed by state statutes.
2. Conduct a field verification for areas of the development site considered suitable for infiltration including a site assessment for karst features as required by the Wisconsin Department of Natural Resources Conservation Practice Standard 1002 - Site Evaluation for Stormwater Infiltration.
 3. Stormwater management facilities shall be placed in public outlots whenever feasible and designated as environmental corridor. Easements and perpetual legal maintenance agreements with the City, to allow the City to maintain stormwater management facilities if owners fail to do so, shall be provided for any facilities located on private property.
 4. Delineate environmental corridors to include parks and stormwater management areas to meet the Environmental Corridor Policies and Criteria adopted in the *Dane County Water Quality Plan*. Submit plats showing environmental corridors for Regional Planning Commission staff review and approval prior to recording.
 5. Continue to encourage the responsible use of deicers and water softeners as an active participant in the WI Salt Wise Partnership.

Mr. Timothy R. Asplund

February 8, 2018

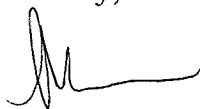
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It is also recommended that the City of Madison pursue the following:

1. Require an archaeological survey be performed by a qualified archaeologist for the amendment area as recommended by the Wisconsin Historical Society and take necessary protection measures if artifacts are found.
2. Request a formal Endangered Resources Review by the WDNR or one of their certified reviewers for potential impacts to endangered resources like rare plants, animals and natural communities and take necessary habitat protection measures if species are found.
3. Continue to participate in the Green Tier Clear Waters Initiative, which aims to reduce the sediment and nutrient delivery to Dane County's lakes and streams from construction activities, beyond the current state and local requirements.
4. Collaborate with watershed-wide efforts to examine and address the concern of higher water levels in Badger Mill Creek.
5. Consider a pilot project in the amendment area that would utilize bio-retention, trees, and ribbon curbs or curb cuts for stormwater management in the street terraces. Especially in the city – town transition area, since the larger lots here would allow for wider street terraces.
6. Continue to work with CARPC and the Dane County Lakes & Watershed Commission to implement the recommendations of the Stormwater Technical Advisory Committee, to the extent allowed by state statutes.
7. Update the XP -SWMM model for the watershed to reflect post -development conditions.
8. Conduct on-site soils investigations in areas with mapped seasonal high groundwater tables and somewhat poorly drained soils (the Elburn and Radford silt loam soils) to determine the actual extent of seasonal high groundwater and identify potential problem areas. The City should consider restrictions in confirmed problem areas such that the lowest level of any structure be built at least one foot above the seasonal high groundwater table to reduce the potential for groundwater induced flooding.

If you have any questions regarding this matter, please do not hesitate to contact Mike Rupiper, the Commission's Director of Environmental Resources Planning.

Sincerely,

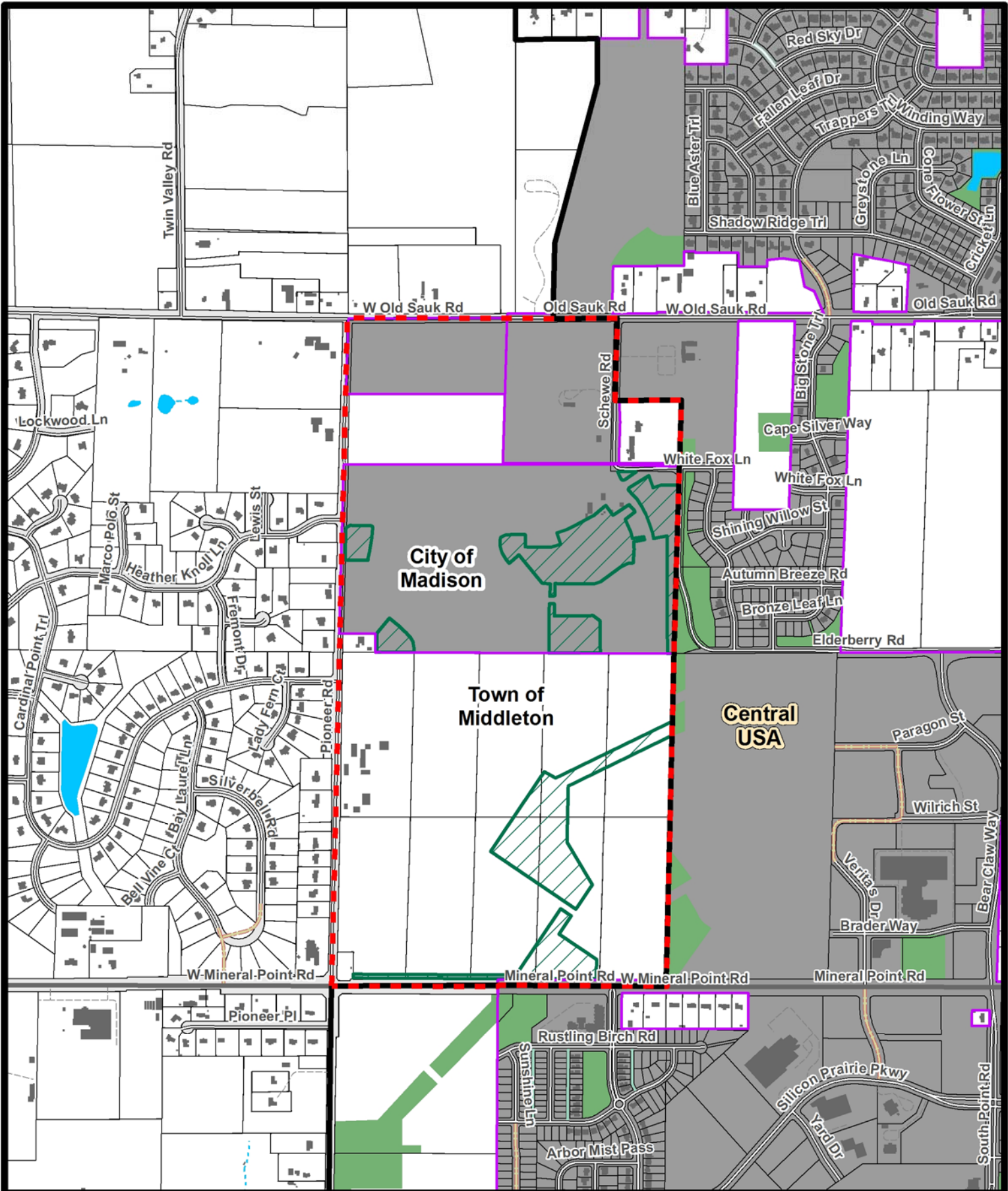


Larry Palm
Executive Chairperson








Kris Hampton
Secretary

cc: Mr. Rick Roll, City of Madison Planning Division

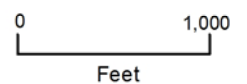


Map 1 Amendment Area

Proposed Amendment to the
 Dane County Water Quality Plan, Revising
 the Sewer Service Area Boundary and
 Environmental Corridors in the
 Central Urban Service Area

-  Service Area to be Added (312.8 acres)
-  Incorporated Area
-  Existing Service Area
-  Environmental Corridor to be Added (35.4 acres)
-  Existing Environmental Corridors

Date: 01/30/2018



Prepared by staff
 of the CARPC.